

AUG 16 2007

**PATENT**

Application No.: 10/698,025

Attorney Docket: 0150.00

**REMARKS**

Claims 1-50 are presently pending in the case.

**Election Requirement**

The Examiner required that the Applicant elect a patentably distinct species.

According to the Examiner, the following species are patentably distinct:

- A. Figure 1A and 1B
- B. Figure 2A and 2B
- C. Figure 3A and 3B
- D. Figure 4A and 4B
- E. Figure 5A and 5B
- F. Figure 6A and 6B
- G. Figure 7A and 7B
- H. Figure 8
- I. Figure 9
- J. Figure 10
- K. Figure 11

Applicant does not fully understand the listing as set forth by the Examiner since several of the items listed by the Examiner belong to the same species. However, to be fully responsive, Applicant provisionally elects, with traverse, the species of Figure 8. Claims 1-13, 16, 17, 21-25, 27, 29, 30, 32-39, 41, 43-47 and 49 read on the elected species. Claims 14, 15, 18-20, 26, 28, 31, 40, 42, 48 and 50 are withdrawn from consideration until such time as there is an indication of an allowable generic claim.

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**Conclusion**

The Examiner is respectfully requested to allow the presently pending claims.  
Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

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(formerly INHALE THERAPEUTIC  
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